

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DAVID LIPNICKI, ET AL.

Plaintiffs,

v.

MERITAGE HOMES CORPORATION,
ET AL.

Defendants.

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CIVIL ACTION NO. 10-00605

**ORDER GRANTING UNOPPOSED MOTION FOR ENTRY OF
AGREED ORDER AMENDING ORDER GRANTING
NOTICE AND CONDITIONAL CERTIFICATION**

Before the Court is the Unopposed Motion for Entry of Agreed Order Amending Order Granting Notice and Conditional Certification (the “Motion”) filed by Defendants Meritage Homes Corporation and Meritage Homes of Texas, LLC (collectively “Meritage”). The Motion is GRANTED as follows:

It is ORDERED that:

- a. Meritage will provide Plaintiffs’ counsel a list, both hard copy and electronic, of all current and former salespersons who worked for Meritage at any time from December 22, 2007 through the date of the entry of this Order (“Potential Member”). The list shall include the Potential Member’s name, current or last known address, phone number, and dates of employment;
- b. Plaintiffs’ counsel may disseminate the Notice and Consent Form, attached as an exhibit to Plaintiffs’ Motion for Notice and Conditional Certification to Potential Members, in an appropriate manner that is not coercive, misleading, or obstructive;
- c. Meritage may communicate with Potential Members to the extent necessary to respond to questions about this lawsuit with information consistent with the Notice, to investigate Plaintiffs’ claims and allegations, and to gather information supporting a claim or defense. Such communications may not be coercive, misleading, or obstructive;
- d. The Notice Period commences the day after Meritage produces the list of Potential Members to Plaintiffs’ counsel, and continues for ninety (90) calendar days thereafter;
- e. Any Potential Member who wishes to join this action must file a Consent Form prior to the close of the Notice Period; and

- f. In the event Meritage discovers additional Potential Members not included on the original list to Plaintiffs' counsel, Meritage shall immediately provide Plaintiffs' counsel with the Potential Member's name, current or last known address, phone number, and dates of employment. The Notice Period for such Potential Member will commence the day after Meritage produces such information to Plaintiffs' counsel, and continues for ninety (90) calendar days thereafter.

SIGNED May 12, 2011.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Honorable Kenneth M. Hoyt
United States District Judge